IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

-

W.P. No.1062 of 1991

Between:

1. Tatavarthy Narayana S/o. Peda Narayana,

Hindu, aged 45 years, SC No.D 638 of

Bapatla (HP 40).

2. M. Nageswara Rao S/o. Venkatarayudu,

aged 32 years, SC No.1162 o Bapatla (HP 50).

3. Kollapurdi Kasi Viswanadham S/o. Konaiah,

aged 67 years, SC No.D.1852 of Bapatla (HP 50).

4. Ch. Mohana Rao S/o. Peda Subba Rao,

aged 30 years, SC No.A.713 of Bapatla (HP 30).

5. M. Raghunadha Babu S/o. Nagendra Rao,

aged 37 years, SC No.288 of Karlapalem (HP 75).

6. Vattikuri Chowdaramma S/o. Seetharamaiah,

aged 55 years, SC No.38 of Doppalaopudi (HP 10).

7. K. Sivarama Prasad S/o. Ranga Rao,

aged 32 years, SC No.157 of Karlapalem (HP 35).

8. K. Venkateswarlu S/o. Punnaiah,

aged 48 years, SC No.7 of Karlapalem (HP 50).

9. P. Bhaskara Rao S/o. Subba Rao, aged 35 years,

SC No.41 of Peddagollapalem (HP 35).

10. Kotturi Venkateswarlu S/o. Peda Narasimham,

aged 45 years, SC No.264 of Karlapalem,

SC No.297 of Karlapalem (HP 57).

11. B. Hanumaiah Rao S/o. Narasimha Rao,

aged 40 years, SC No.234 of Karlapalem (HP 60).

12. Tatavarthy Guravaiah S/o. Adinarayana,

aged 45 years, SC No.A.788 of Bapatla (HP 30).

13. Tiruveedhula Gandhi S/o. Venkata Rama Rao,

aged 35 years, SC No.41 of Nandayapalem (HP 25).

14. T. Swamy S/o. Chenchaiah,

aged 23 yers, SC No.250 of Karlapalem (HP 70).

15. A. Ramamohana Rao S/o. Paramdhamaiah,
aged 43 years, SC No.161 of Karlapalem (HP 60).

16. Narlasetty Hari Prasada Rao S/o. Sreeramulu,
aged 51 years, SC No.112 of Stuartpuram (HP 72).

17. P. Subba Rao S/o. Venkata Subbaiah,
aged 42 years, SC No.69 of Vedullapalli (HP 20).

18. Jetti Ramakrishna Prasad S/o. Sambasivarao,
aged 25 years, SC No.7987 of Tenali (HP 55).

19. Maddu Prasada Rao S/o. Lashminrayana,
aged 32 years, SC No.2470 and SC No.10064
of Tenali (HP 25 and HP 30).

20. Koduru Sambasivarao S/o. Rattaiah,
aged 48 years, SC No.1379 of Tenali (HP 55.5).

21. Tunuguntla Ranga Rao S/o. Seetharamaiah,
aged 46 years, SC No.10786 of Tenali (HP 35).

22. P. Sambasiva Rao S/o. Venkataramaiah,
aged 50 years, SC No.113 (HP 75), SC 114(HP 75) and
SC No.700(HP 125) of Sultanabad, Tenali.

23. Nukala Lashminarayana S/o. Ramaiah,
aged 40 years, SC No.3941 of Tenali (HP 75).

24. Koduru Bullaiah S/o. Rattaiah,

aged 44 years, SC No.200, Sultanabad, Tenali (HP 55).

25. Pasupulati Venkateswara Rao S/o. Pothuraju,

aged 32 years, SC No.88of Gudivada, Tenali Mandal (HP 25).

26. Chintala Rama Rao S/o. Ammayya,

aged 49 years, SC No.107 of Gudivada,

Tenali Mandal (HP 20).

27. Tunuguntla Sankara Prasad S/o. Narayana Murthy,

aged 37 years, SC No.1064 of Kolluru (HP 70.5).

28. Tadepalli Bhaskara Rao S/o. Subrahmanyam,

aged 43 years, SC No.177 of Kolluru (HP 15).

29. Tadepalli Lashmi Satyanarayana S/o. Nagapurnaiah,

aged 43 years, SC No.215 of Kolluru (HP 50).

30. Suggula Venkata Siva Prasad S/o. Subba Rao,

aged 28 years, SC No.252 of Kolluru (HP 45).

31. T.V.C. Satyanarayana S/o. Sundara Rao,

aged 26 years, SC No.1176 of Kolluru (HP 70).

32. Gummadi Umamaheswara Rao S/o. Buthaiah,

aged 53 years, SC No.1153 of Kolluru, Tenali (HP 55).

33. Doddapaneni Achayya S/o. Narasaiah,

aged 58 years, SC No.116 of Vemuru, Tenali (HP 35).

34. K. Rama Prasad S/o. Venkata Radha Krishnaiah,
aged 39 years, SC No.371 (HP 53) and SC No.60 (HP 35)
of Vemuru, Tenali Mandal.

35. Mattupalli Basava Bhaskara Rao S/o. Ramaiah,
aged 49 years, SC No.365 of Vemuru (HP 30).

36. A. Amarnadh S/o. Umamaheswara Rao,
aged 25 years, SC No.207 of Vemuru (HP 58).

37. Koganti Nageswara Rao S/o. Subba Rao,
aged 38 years, SC No.339 of Vemuru (HP 40).

38. Gurram Venkata Koteswara Rao S/o. Kondaiah,
aged 35 years, SC No.136 of Vemuru (HP 50).

39. Talluri Balaiah S/o. Venkata SubbaRao,
aged 35 years, SC No.351 Vemuru (HP 40).

40. Balisetty Prabhakara Rao S/o. Kutumbarao,
aged 41 years, SC No.130 of Vemuru (HP 50).

41. I.V. Subba Rao S/o. Gurumurthy,
aged 41 years, SC No.525 of Vemuru (HP 40).

42. Talluru Srirama Murthy S/o. Gurumurthy,
aged 45 years, SC No.234 of Vemuru (HP 50).

43. Talluri Gurunatham S/o. Guru Murthy,
aged 60 years, SC No.345 of Vemuru, Tenali Mandal (HP 60).

(Petitioners 1 to 4 and 12 are residents of Bapatla and petitioners 5, 7, 8, 10, 11, 14 and 15 are residents of Karlapalem.

Petitioner No.6 is resident of Doppalapudi.

Petitioner No.9 is resident of Pedagollapalem.

Petitioner No.13 is the resident of Nandayapalem.

Petitioner No.16 is resident of Stuartpuram.

Petitioner No.17 is the resident of Vedullapalli.

Petitioner Nos.18, 19, 20, 21 and 23 are residents of Tenali.

Petitioners No.22 and 24 are residents of Sultanabad.

Petitioner Nos.25 and 26 are residents of Gudivada.

Petitioner Nos.27 to 32 are residents of Kolluru; and

Petitioner Nos.33 to 43 are the residents of Vemuru,

Tenali Mandal.)

.. Petitioners

AND

1. The Andhra PRADESH state Electricity Board,

Rep. by its Secretary, Vidyuth Soudha, Somajiguda,

Hyderabad.

2. The Assistant Accounts Officer

Electricity Revenue Office, Bapatla,

Guntur District (APSEB).

3. The Assistant Accounts Officer,

Electricity Revenue Office, Bapatla,

Guntur District (APSEB).

..... RESPONDENTs

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of *Mandamus* or any appropriate Writ, order or direction declaring the action of the respondents in introducing fixed charges of Rs.10/- per Horse Power (HP) in L.T. Category III, Industrial of BPMS 225, dated 16-10-1990 as illegal, null and void, arbitrary and violative of Art.14 and 19(1)(g) of the Constitution of India and for a consequential direction directing he respondents not to collect the aforesaid fixed charges in the aforesaid BPMS 225, dated 16-10-1990.

Counsel for the Petitioners: Mr. P. Phalguna Rao

Counsel for the Respondents: Mrs. M. Vinobhadevi, S.C. for APSEB.

The Court made the following :-

ORDER:

Learned counsel for the petitioners stated that the cause in this writ petition has become infructuous.

Accordingly, the Writ Petition shall stand dismissed as infructuous without any order as to costs.

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B. SUDERSHAN REDDY, J

Date:07-10-2004.

PV

To

1. The Secretary,

Andhra Pradesh State Electricity Board,

Vidyuth Soudha, Somajiguda,

Hyderabad.

2. The Assistant Accounts Officer

Electricity Revenue Office, Bapatla,

Guntur District (APSEB).

3. The Assistant Accounts Officer,

Electricity Revenue Office, Bapatla,

Guntur District (APSEB).

4. Two C.Ds.